

CHRISTOPHER NEALE.

JANUARY 9, 1857.—Laid upon the table and ordered to be printed.

Mr. TAYLOR, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the memorial of Christopher Neale, assignee of Jerome and Gerrard Plummer, both merchants of Alexandria, Va., with the accompanying papers, have had the same under consideration, and now report :

The memorialist states that he claims, as assignee of Jerome and Gerrard Plummer, "indemnity from the United States for property destroyed during the late war with Great Britain," consisting of large quantities of tobacco in store in warehouses at Nottingham, Magruder's Ferry, Tracey's Landing, and at Benedict.

The circumstances attendant upon the loss or destruction of the tobacco in question, as related by the memorialist, and the evidence submitted with a view to establish their existence, are precisely the same with the circumstances set forth and the evidence produced with respect to the claims of the representatives of Rinaldo Johnson and Ann E. Johnson, and of William G. Ridgely and Hodges & Lansdale, heretofore reported on; and as the claim of Neale is in no respect distinguishable from those referred to, your committee, for the reasons given in their report upon Senate bill No. 255, for the relief of the representatives of Rinaldo Johnson and Ann E. Johnson, and their report on Senate bill No. 278, for the relief of William G. Ridgely and Hodges & Lansdale, which reports they desire may be taken as a part of this report, now recommend that the claim of the memorialist be rejected.

CITY OF WASHINGTON.

Be it remembered that on this twenty-fifth day of March, eighteen hundred and thirty-six, personally appeared before the subscriber, a justice of the peace, Virgil Maxcy, and, being duly sworn, deposed and said: That during the period of the late war he resided about six miles from Tracey's Landing; that he knows that the British during the late war burnt down the tobacco inspection warehouse at that place, together with the tobacco therein deposited, and that he believes they burnt them for the reasons stated in the memorial of

Dr. James Tongue, which he has carefully read, and believes to be true in all its statements; that this deponent is well acquainted with the inhabitants generally in the neighborhood of Tracey's Landing, and particularly with John Collins, William J. W. Compton, and Thomas O. Denny; that they are intelligent men, of high respectability and integrity, and that he should have implicit confidence in their statements. This deponent further saith, that the militia that were called out for the defence of the neighborhood at the time the inspection warehouse was burnt by the British at Tracey's Landing were two companies: of one of which Jacob Franklin was captain, Thomas Sullivan was lieutenant, and William Wiem ensign; and of the other, William S. Tillard was captain, Thomas Tongue, jr., lieutenant, and John H. Tillard ensign—all of whom are now dead. And further the deponent saith not.

Sworn before—

RICHARD T. BRISCOE.

STATE OF MARYLAND, *Anne Arundel county.*

Personally appeared before the subscriber, a justice of the peace for the county and State aforesaid, Samuel Gover, who, being sworn on the Holy Evangely of Almighty God, doth depose and declare: That he acted as commissary to the Maryland militia, who were called out to defend that part of the shores of the Chesapeake bay from Fishing creek to Tracey's Landing during the year 1814; doth depose and declare that Commodore Barney took possession of the large tobacco inspection warehouse located at Tracey's Landing some time in the spring of 1814, and kept possession of the same until some time in the summer of the same year; and that the said tobacco inspection warehouse was used as a place of depot for the stores belonging to the United States flotilla, consisting of provisions, ammunition, spare sails, and other munitions of war, which were carried by land to Patuxent river, where said flotilla lay a considerable time, over which said stores and munitions of war a detachment of men and some officers were placed; and the said deponent further states and says, that a few days before the British burned down the said inspection warehouse, and, while the British were lying off in the Chesapeake bay, the militia, under the command of Captain Jacob Franklin, (the same officer, now dead,) *rolled out a quantity of tobacco from the said tobacco inspection warehouse, and made a breast-work or fortification by standing the hogsheads of tobacco endwise, as a protection for the militia to fight under.* The deponent doth further state, on oath, that a few days after this, the British landed from their ships and took possession of the said tobacco inspection warehouse at Tracey's Landing, burned and destroyed the same, together with all the fixtures there belonging, and together with a quantity of tobacco.

Sworn before

GASSAWAY WINTERSON.

MARCH 18, 1836,

STATE OF MARYLAND, *Anne Arundel county, ss:*

Personally appeared before me, the subscriber, a justice of the peace for the county and State aforesaid, Doctor Walter Wyvill, who, being duly sworn on the Holy Evangely of Almighty God, deposes and says: That he acted during the late war as sergeant in Captain Thomas T. Simmond's company, which belonged to the 2d regiment of Maryland militia; and that this company, with several other companies, were ordered out by the governor of Maryland to repel and keep off the enemy; and that more effectually to prevent the invasion of the British, many of the officers of the 2d regiment of Maryland militia selected a committee to wait on Governor Winder to let them have some pieces of cannon for the defence of Tracey's Landing warehouse, in which were deposited several hundred hogsheads of tobacco, belonging to the tobacco planters, as it was believed this property was in danger of being destroyed by the British, as Commodore Barney used the said tobacco warehouse as a depot for some of the military stores and munitions of war belonging to the United States flotilla. This deponent deposes and says, he was one of the committee who did wait on the governor of Maryland, and the governor did send to said regiment a piece of artillery with a good supply of ammunition, which said artillery was placed at Town Point, or the narrows of or mouth of the creek leading to Tracy's Landing, and for the defence of Tracey's Landing. This deponent further states that the tobacco inspection warehouse at Tracey's Landing, and at houses situated at Town Point, or the narrows at the mouth of the creek leading to Tracey's Landing, were used as places of rendezvous for the militia; and that these houses were occupied and used as barracks by the militia; that they received their rations there, ate there, slept there, deposited their arms, ammunition and other military stores there, did military duty there day by day, and week after week, for a considerable time, and until they were driven from there by the superior force of the enemy. This deponent further deposes and says, that the houses at Town Point, or narrows, at the mouth of the creek leading to Tracey's Landing, consisted of a new dwelling-house, storehouse, and windmill, and out-houses, belonging to William, now deceased, and a dwelling-house and out-houses belonging to John Scrivener; all of which houses, together with the inspection warehouse, with a considerable quantity of tobacco in it, were all burned by the British in the month of October, 1814—he does not now recollect the precise day of the month, but to the best of his knowledge, thinks it was about the middle of October. Your deponent verily believes all the above named houses were burned by the British in consequence of their being used as barracks and military stations, and as places of rendezvous and a depot for arms, ammunition, military stores, &c., &c.

Sworn before

LEWIS SUTTON, Sr.

DECEMBER 6, 1837.

STATE OF MARYLAND, *Anne Arundel county*, ss :

On the 16th of April, personally appeared before me, the subscriber, a justice of the peace for the State and county aforesaid, Captain Samuel Jones, who made oath upon the Holy Evangelist of Almighty God that he resided, during the late war, near Tracey's Landing, and that he acted as commissary to furnish provisions &c., for the militia in the neighborhood of Tracey's Landing, whenever they were called out in defence of the State; and that he is well acquainted with all the occurrences of the late war that took place in the neighborhood of Tracey's Landing tobacco inspection warehouse. That the militia companies, commanded by Captain Thomas Simmons and Captain William S. Tollard, (both since dead,) rendezvousing, as circumstances required, at the mouth of the creek leading from the Chesapeake bay to Tracey's Landing tobacco inspection warehouse, fixed a piece of cannon at the mouth or narrows of the aforesaid creek, (the channel of said creek, at the mouth, is about fifty yards wide,) for the defence of Tracey's Landing warehouse and the tobacco contained in it, and also for the defence of the neighborhood generally; and this deponent says, there were situated at the mouth of the aforesaid creek, near to each other, two dwelling-houses, and other houses and a wind-mill.

This deponent further states, that the day on which the British took possession of Tracey's Landing tobacco inspection warehouse, they had to go in their barges through the mouth or narrows of the aforesaid creek; that as soon as the militia saw the British barges, which being numerous, and well armed with cannon and other arms, they soon compelled the militia to retreat. The British then landed, spiked the cannon that belonged to the militia, took possession of all the houses at the mouth of the aforesaid creek, and burnt them down. Your deponent believes that all the above-described houses were burnt because the said houses were used by the militia; and also because of their being fired on from the piece of cannon which was substituted between the two above mentioned dwelling-houses, and near to both of them.

Sworn before

GASSAWAY WINTERSON.

Extracts of Patrick H. O'Reilly's deposition.

DEAR SIR: I received your letter asking a statement, according to my recollection, of the occurrences which took place during the late war in relation to Tracy's Landing and Town Point, at the mouth of Tracy's creek. I cheerfully do so; most of these facts, and probably all the important ones, being yet fresh in my recollection; the farm I then owned and resided at being in the immediate neighborhood of these places. I belonged to Captain William Tillard's militia com-

pany, as well as yourself, as a private, sometimes as a sergeant, and doing also the duty of assistant adjutant to Colonel Samuel Watkins, at the requisition of that officer. The companies of Captains Tillard, Franklin, and Gammon constituted the effective militia force in that immediate neighborhood.

On the appearance of the enemy's fleet in the neighboring part of the bay, these companies were ordered out by their officers to repel any attempt the enemy might make to land and commit depredations, and was more or less in active service at such points in the neighborhood as the movements of the ships offered to threaten, from the time of the arrival of Admiral Warren in the neighboring waters in 1813 till the close of the war. In the spring or summer of 1814 Town Point was selected by the officers of the regiment as the most advantageous position for the protection of the greatest extent of country and of the tobacco warehouse at Tracey's landing, which was the depository of large property of the neighbors and of military stores of the United States, belonging to Commodore Barney's flotilla; and also affording a facility for the co-operation of the swamp company of militia to repel any attempted act of hostility against the surrounding country, or for the destruction of the public store, which we proudly thought had been confided to our protection by Commodore Barney. The impression on my mind is, that the officers of the militia had received orders from Governor Winder to call out the militia whenever appearances should indicate danger, without previously sending to Annapolis or the superior officer of the regiment, who resided at a distance, which would have enabled the enemy to land and commit extensive depredations before any resistance could be procured, if recourse must be previously had to them for authority, or to the executive at Annapolis. As sergeant of the company, I received orders from Captain Tillard to assist the others in convening the company when their presence in the field was deemed necessary, and did assist personally in throwing up the entrenchment at Town Point, and mounting the cannon there, which Governor Winder had sent us, and was, with others, instructed in the use and exercise of it by a gentleman who had been in the United States service. This entrenchment was made between the dwelling-houses belonging to John Scrivener and William Hodson, which were *used by the militia as barracks, or the warehouse* at Tracey's also, when occasion required. It was at these places that they rendezvoused, ate, slept, and received their rations, when circumstances appeared especially to require their presence.

By the orders of Captain Franklin, whose company resided nearest to Tracey's landing, a number of the hogsheads of tobacco in the warehouse were rolled out and arranged and disposed of in such order as to constitute a fortification and defence for the militia, or such portion of it as it might be best to employ at that point. The hogsheads were arranged in *ranks and positions adjoining the warehouse*, and extending from it to such distances and in such shapes as were thought most conducive to the purposes and uses intended and contemplated.

A portion of the militia were in possession and actual occupancy of the houses at Town Point, also of the warehouse at Tracey's, when the

British approached. There were only the militia at Town Point with cannon there mounted, and with musketry, the station gallantly maintained, until an overwhelming force landing, and advancing under the brisk cannonade from a number of barges, compelled them to retire. Those stationed at Tracey's then withdrew.

Your obedient servant,

P. H. O'REILLY.

CALVERT COUNTY, *to wit*:

Personally appeared before me, a justice of the peace of the State of Maryland, in and for Calvert county, Patrick H. O'Reilly, and made oath on the Holy Evangely of Almighty God that the facts stated in the foregoing communication are just and true.

JOHN B. JOY.

JULY 14, 1840.

STATE OF MARYLAND, *Anne Arundel county, ss*:

Personally appeared before me, the subscriber, one of the justices of the peace for the county and State aforesaid, John Collinson, who, being duly sworn upon the Holy Evangely of Almighty God, doth depose and declare, that in the spring of 1814 Commodore Barney, Barney, then commanding the United States flotilla, was at his house looking at a convenient situation where he could land and deposit a part of the stores and munitions of war belonging to the said United States flotilla, and that the said Commodore Barney took possession of the large tobacco inspection warehouse, located at Tracey's Landing in the spring of 1814, and kept possession of the same until some time in the same year as a place of deposit for stores and munitions of war for the United States flotilla, over which a detachment of men and a few officers were kept, and that the said stores were transported to Patuxent river while said flotilla lay there; that the said deponent doth further state, on oath, that a short time before the British burned down the tobacco inspection warehouse, while the British were lying in the Chesapeake bay in their ships, the militia were called out, acting under the command of Captain Jacob Franklin, (the senior officer, now dead,) took a number of hogsheads of tobacco from the warehouse aforesaid, and made a breastwork or fortification of the same by standing the hogsheads of tobacco up endwise, as a protection for the militia to fight under; and the said deponent doth further state, on oath, that a few days after this the British landed and took possession of the said tobacco inspection warehouse, burned and destroyed the same, together with all the fixtures thereto belonging, and a quantity of Maryland tobacco.

Sworn before

GASSAWAY WINTERSON.

MARCH 18, 1836.

STATE OF MARYLAND, }
Anne Arundel county, } ss:

On this 10th February, 1837, personally appeared before me, the subscriber, a justice of the peace for the county and State aforesaid, Captain Benjamin McCeney, who, being duly sworn on the Holy Evangely of Almighty God, says that he served as captain of a military company, during the late war, in the second regiment of Maryland militia. This deponent says that he received his orders from the then governor of Maryland to order out his command.

Your deponent further states, that in October, 1814, a British force of several ships anchored in the Chesapeake bay, and he thinks as near to Tracey's Landing and Town Point as they could; and that the militia were called by order of the governor of Maryland; and that some of the militia companies were stationed at Tracey's Landing, and some were stationed at Town Point; and that the houses at these places were used and occupied by the militia as places of rendezvous, and for deposit of arms, ammunition, stores, &c., &c., until they were driven from these places by the superior force of the enemy; that the militia then took possession of other houses in the neighborhood near Tracey's Landing and Town Point; and that a part of his (McCeney's) company, together with others of the militia, attacked a large picket guard of the enemy; and that they were all the time in sight and full view of the enemy, day after day, and that they continued so until they (the British) burnt the houses, after which they went on board. General William Madison, brother of President Madison, arrived with troops from Virginia the day after the houses were burnt. Your deponent also states that the houses burnt by the enemy, about the 15th of October, 1814, consisted of the *tobacco warehouse at Tracey's Landing*, and the houses at Town Point consisted of a windmill, dwelling-house, and several out-houses. Your deponent verily believes that all these houses were burnt by the enemy in consequence of their being occupied by the militia, as they afforded the militia shelter as barracks, or places of rendezvous, and deposit for arms, ammunition, military stores, &c.

Sworn before

RINALDO PINDELL.

ANNE ARUNDEL COUNTY, }
State of Maryland, } ss:

Personally appeared before me, the subscriber, a justice of the peace for the county and State aforesaid, Mary McPherson, who, being duly sworn on the Holy Evangely of Almighty God, doth depose and declare, that she lived during the late war about a quarter of a mile from the tobacco inspection warehouse located at Tracey's Landing; and that Commodore Barney, while commanding the United States flotilla, took possession of the tobacco inspection warehouse located at Tracey's Landing in the spring of 1814, and had possession of the same until some time in the summer of the same year; and that the

said tobacco inspection warehouse was used as a place of deposit for stores of the United States flotilla and other munitions of war, over which a detachment of men and some officers were placed; and said deponent also states that a short time before the British burnt Tracey's Landing warehouse the militia were called out, and that a fortification was made by standing hogsheads of tobacco up endwise as a protection for the militia to fight under; and the said deponent doth further state, on oath, that a few days after this the British landed from their shipping, took possession of the said tobacco inspection warehouse, burnt and destroyed the same, together with all the fixtures thereto belonging, and a quantity of Maryland tobacco; and this deponent says the enemy placed a large guard near her dwelling-house, that the British officers were often at her house, and she heard them say they burnt the warehouse and the houses at River Point because they were military stations.

Sworn before

GASSAWAY WINTERSON.

MARCH 18, 1836.

STATE OF MARYLAND, }
Anne Arundel county, } ss:

Personally appeared before the subscriber, a justice of the peace for the county and State aforesaid, Gilbert Nowell, who, being duly sworn on the Holy Evangelry of Almighty God, doth depose and declare that he lived about a mile and a half from Tracey's Landing during the late war, and that Commodore Barney took possession of the tobacco inspection warehouse at Tracey's Landing in the spring of 1814, and had possession of the same until some time in the summer of the same year, and that the said tobacco inspection warehouse was used as a place of depot for the stores of the United States flotilla, consisting of provisions, arms, munitions, &c., over which a detachment of men and some officers were placed, and that the said stores and munitions of war were transported by land to the said United States flotilla as was required; and the said deponent also states that a short time before the British burnt down the said tobacco inspection warehouse, the militia were called out, and that a fortification was made with the hogsheads of tobacco by standing the hogsheads of tobacco endwise, as a fortification or protection of the militia to fight under; the said deponent doth further state that a few days after this the British landed from their shipping and took possession of the said tobacco inspection warehouse, and burned and destroyed the house, together with the fixtures there belonging, and a quantity of tobacco.

Sworn before

GASSAWAY WINTERSON.

MARCH 18, 1836.

Extracts from Philip J. Thomas' deposition.

The undersigned, who was a private in Captain Franklin's company of Maryland militia during the years 1813 and 1814, has read the

deposition of Patrick O'Reilly, dated July 14, 1840, and sworn to before John B. Joy, touching certain circumstances which took place relative to the burning of certain houses at a place called Town Point, Tracey's Landing, or Herring Bay; and also Doctor Walter Wyvill's deposition, dated December, 1837, and his letter explanatory thereof, dated June 26, 1841, relating to the matter aforesaid; also Samuel Getts' deposition, dated July 1, 1841, sworn to before Lewis Sutton, relating to the same. The undersigned has a perfect recollection of the events stated and alluded to in the above enumerated depositions, and has no hesitation in adding his testimony to their truth, verily believing and positively asserting that the statements therein made are incontestably and strictly true, the same having come under his own personal knowledge.

He further states that he distinctly understood at the time that these houses were burnt by the British in consequence of their having been occupied by the militia, and of the places having been fortified as a military station, facts known to the undersigned—he, as a member of Captain Franklin's company, having been quartered in one of the houses, and done military duty at these stations, particularly in the exercise of a gun, then placed to defend the mouth of Tracey's creek. He moreover states that in conversation with Marshall Poole and his wife, the occupants of one of the houses burnt, they informed the undersigned, a few days after the conflagration, that the British officer in command assured them the houses were burnt solely on account of their being considered a military station.

PHILIP J. THOMAS.

WEST RIVER, *Anne Arundel county, December 10, 1841.*

Extracts from the deposition of Colonel William Norman, of Anne Arundel county, Maryland.

The deponent also states that some time in the summer of 1814 Commodore Barney, who commanded the United States flotilla, deposited at his houses, on West river, a quantity of arms, ammunition, military stores, &c., &c., together with a detachment of men; which said arms and ammunition, military stores, &c., together with the detachment of men, were removed from his houses at West river, to the tobacco inspection warehouse at Tracey's Landing, and that they occupied the said warehouse for some time as a depot of arms, provisions, ammunition, and other military stores.

This deponent also verily believes that the houses at Town Point and Tracey's Landing tobacco inspection warehouse were burnt by the enemy because the above houses were occupied by the militia.

Sworn before

GASSAWAY WINTERSON.

Extracts from Lemuel Gott's deposition, of Anne Arundel county, and State of Maryland.

“This deponent further says, that in the month of June, 1814, a large parcel of the military stores, belonging to the United States

flotilla, under the command of Commodore Barney, were the deposits in the tobacco inspection warehouse at Tracey's Landing, and a detachment of men placed there belonging to the United States flotilla.

"This deponent further says, that Captain Franklin, who commanded in the same regiment, ordered to be rolled out, by the men under his command, a parcel of hogsheads of Maryland tobacco out of said warehouse, with which a fortification was made adjacent to and adjoining said warehouse, and extended nearly to the creek, in a circular direction, so as to protect his men from the British barges as they ascended the creek."

Sworn before

LEWIS SUTTON.

Extracts from the deposition of William Enniss.

He "deposes and says that he was a private in Captain Franklin's company, which belonged to the 2d regiment Maryland militia during the late war; that he was born in the immediate neighborhood of Tracey's Landing and Town Point, and resided in said neighborhood until he was nearly fifty years old; that the farm he owned and resided on during the late war was adjoining Captain Franklin's, and that he is perfectly acquainted with the occurrences, and distinctly remembers what took place in this neighborhood during the late war.

"This deponent further says that Commodore Barney, in the spring of 1814, took possession of Tracey's Landing tobacco inspection warehouse, and deposited in it a large supply of the United States military stores, belonging to the flotilla, which, as circumstances required, were wagoned from said warehouse, and some of them deposited in Calvert county court-house, to be more convenient to the United States flotilla, which had been blockaded in St. Leonard's creek by a squadron; and that a part of the military stores belonging to the United States *were never removed from said warehouse*, but were found there by the enemy when they took possession of it."

"This deponent further says, that a short time before the British burnt down Tracey's Landing tobacco inspection warehouse, Captain Franklin, the senior officer then in command, ordered a number of hogsheads to be taken out of the said warehouse, and a fortification made with hogsheads of tobacco, by standing them up endwise, which said fortification was made adjoining to said warehouse, on the side of it, and extended in a semicircle to the creek, to protect the militia against the British barges if they should attempt to come up the creek. The militia company of Captain Franklin did militia duty at Tracey's Landing the same as the companies at Town Point — ate there, slept there, and received their rations there. The company he belonged to (Captain Franklin's) had no tents, and the warehouse was used as barracks, and a depository for arms, ammunition, &c."

"This deponent says he heard Captain Franklin say he was ordered out to Tracey's Landing by the governor; that the orders came

through their field-officer, General Williams, Colonel Samuel Watkins, and Major Gassaway Watkins—all now dead.”

Sworn before

A. H. PENNINGTON, *J. P.*

Extracts from the statement of John S. Skinner to the Hon. E. Whittlesey.

I will now relate the facts which I know as well as we may know anything after such a lapse of time—unless, indeed, all our senses are but media of delusive impressions, and there are no realities in life.

On leaving Baltimore, in fulfilment of their construction for the defence of the bay, the boats that composed the flotilla were found to be too narrow; and carrying too heavy cannon, with a large quantity of stores and provisions, they proved to be inadequate to the service in the open bay, and, by orders of Commodore Barney, they put into West river, there landed, as before stated, at my grandfather's old ship-yard, a portion of their military stores and provisions to lighten the barges; and afterwards, for the deposition and safer keeping of these munitions and stores, and because they would be easier of access and of transportation to any point where they might be wanted, Dr. Tongue's warehouse, at Tracey's Landing, was taken possession of and used by the orders of *Commodore Barney*, and a detachment of his men placed there. My purser's steward, James Dixon, many years since dead, was placed in charge of the property, for which I was accountable, while my multifarious duties called me off to other points. This seizure and occupation of the warehouse at Tracey's Landing took place, as nearly as I can remember, about the latter end of May or beginning of June, in the year 1814. It was so *used* and *occupied* as a depot for military stores until after the flotilla was destroyed, about the 23d of August, 1814; and some remnants of them remained, as I always understood and believed, to the time when the enemy drove the militia from Town Point and Tracey's Landing. On the co-operation of the militia, then in the occupation of these points and buildings, Commodore Barney had also relied, as one of the reasons, as I understood from him and his officers, for selecting *this place for his depot*.

The militia, whose services were paid for by the United States, occupied Tracey's Landing warehouse, and the houses at Town Point, about half a mile distant, at the mouth of the creek, until driven off by the enemy. The houses at the village of Tracey's Landing consisted of two private dwellings and two stores for the retail of goods. The neighborhood is thickly settled, and the residences of six respectable farmers in the immediate vicinity were taken possession of by the enemy, and placed under picket guards. The two private dwellings and the two stores at the landing were distant from the warehouse which was burnt, variously from forty or fifty to something upwards of one hundred yards; yet neither of these, nor of the private

dwellings in the neighborhood, and in the actual possession of the enemy, was destroyed. No houses were burned except the warehouse and the houses of Scrivener and Hodson. The conflagration of all these was simultaneous; all of them having been *notoriously* used for purposes strictly military and defensive for months previously, and up to the time of their capture by naval and militia forces in the service of and paid by the United States. Captains Butler and Frazier, seconds in command under Barney, are both [dead,] and I do not now know of any officer who was in command at Tracey's Landing.

With great respect, your obedient servant,

JOHN S. SKINNER,

*Late purser in the navy of the United States, and to
Barney's flotilla from the commencement to
the end of its service and existence.*

P. S.—When I was sent by the government one of the commissioners to announce to the enemy, then in the Chesapeake, the conclusion of peace, we found Captain Claville in command of their remaining forces, and I remember that he justified the destruction of the property at Tracey's and Town Point, as other of their officers had uniformly done, on the ground that although, or whether private property or not, it had been used against them as military posts and for military purposes.

J. S. SKINNER.

DISTRICT OF COLUMBIA, }
County of Washington. }

On the 28th day of June, 1838, personally appeared before me, the subscriber, a justice of the peace for the county aforesaid, J. S. Skinner, whose name is subscribed to the foregoing written statement, and makes oath, in due form of law, that the facts set forth therein as of his own knowledge are true, and so far as he has been informed by others he believes to be true.

JAMES YOUNG, J. P.

Extract from Dr. James Tongue's affidavit.

STATE OF MARYLAND, }
Anne Arundel county, } to wit:

On this 16th day of April, 1836, personally appeared before me, the subscriber, a justice of the peace for the county and State aforesaid, Dr. James Tongue, who, being duly sworn on the Holy Evangelically of Almighty God, testifieth: That the militia companies commanded by Captains Thomas Simmons and William S. Tillard (both of these officers being now dead) rendezvoused, as circumstances required, during the late war, at the mouth of the creek leading from

the Chesapeake bay to Tracey's Landing tobacco inspection warehouse, and that they fired a piece of cannon at the mouth or narrows of the aforesaid creek for the protection of Tracey's Landing tobacco inspection and the neighborhood generally.

This deponent also states that his farm is partly bounded by Tracey's Landing creek, on which Tracey's Landing tobacco inspection warehouse is situated; and that his dwelling being on a considerable eminence, he was an eye-witness to the occurrences that took place at the mouth of the creek the day the British landed and took possession of Tracey's Landing inspection warehouse, the British in their barges having to pass through the narrows or the mouth of said creek, the channel of which is about fifty yards wide; that, as soon as the British barges approached the mouth of said creek or narrows, the militia commenced an attack with their piece of cannon on the British barges, which, being numerous and well provided with cannon and small arms, soon compelled the militia to abandon their position. The British then landed, spiked the cannon, took possession of all the houses at the mouth of said creek, made a general bonfire of them, and left destitute of homes the two families residing at that time in them.

Your deponent believes that all the described houses were burned because they were used by the militia, and thus because the militia made an attack on them from their piece of cannon, which was situated between the two aforementioned dwelling-houses, and near to each of them.

Sworn before

GASSAWAY WINTERSON.

WASHINGTON, *July 13, 1837.*

I certify that I am personally well acquainted with Captain Benjamin McCeney, Colonel William Normen, Samuel Gover, John W. D. Lane, and Rinaldo Pindell, esqrs; that they are respectable citizens, and entitled to full belief as witnesses. Rinaldo Pindell, esq., is a justice of the peace and a member of the magistrates' court; and that Gassaway Winterson and Lewis Sutton, esqrs., are also justices of the peace for Anne Arundel county, Maryland.

V. MAXCY.

WASHINGTON, *December 26, 1841.*

DEAR SIR: As you resided in the vicinity of Tracey's Landing and Town Point some time, and are personally acquainted with almost every person in that neighborhood, and moreover as you have been high sheriff and collector of taxes for Anne Arundel county for several years, and also been chief justice of the orphans' court of the said county, and member of the legislature, I will thank you to give me the character of the witnesses who have given depositions in relation to the property burnt by the enemy during the late war. The list of

them, as well as I now recollect, is as follows, viz: Dr. Walter Wyville, Samuel Gott, John Collinson, Samuel Gover, P. H. O'Reilly, M. McPherson, Gilbert Nowell, John S. Skinner, Philip F. Thomas, William Enriss, William O'Hara, John H. D. Zane, Col. William Norman, Captain Benjamin McCeney.

Your obedient servant,

JAMES TONGUE.

I am well acquainted with these persons whose names comprise this list, and have been intimately acquainted with them individually for many years. Their characters and reputation stand unexceptionable, and their veracity in every respect is unexceptionable.

R. WELCH OF BENJ.

DECEMBER 29, 1841.

ANNAPOLIS, *May 17, 1842.*

MY DEAR SIR: Your letter of the 10th inst. is received; in reply to which, I can say with pleasure, that the persons named in your letter, who made the valuation, and also the witnesses relative to the property burned by the British at Tracey's Landing and Town Point, are personally known to me. They were my neighbors, and all of them I have long known, and with some I have had much dealing and personal intercourse. They are men of fair character and unimpeachable integrity. Samuel Gott, John H. D. Zane, and William O'Hara, have been justices of the peace for many years. Dr. Walter Wyville and William J. Compton have been members of the legislature. John Collinson and William Ennis, practical mechanics, of fair character and strict integrity—in fact, they are men of excellent character and of great worth. Dr. Wyville, member of the last legislature last session. John S. Tillman was chosen member of the legislature last session. Write to James W. Williams, member of Congress, that all the above gentlemen were personally acquainted with them, and they as well as myself will testify unto their standing and character.

With great respect, dear sir, your obedient servant,

R. WELCH OF BENJ.

TREASURY DEPARTMENT,

Register's Office, April 17, 1850.

I hereby certify the annexed papers, pages 1 to 33, to be true copies of the originals on file in this office.

TOWNSEND HAINES,
Register.

The Memorial of Christopher Neale of Alexandria, assignee of Jerome and Gerrard Plummer, late merchants of Alexandria.

To the Senate and House of Representatives of the United States.

Your petitioner respectfully represents that he claims, as assignee of Jerome and Gerrard Plummer, late merchants of Alexandria, indemnity from the United States for property destroyed during the late war with Great Britain. That on the breaking out of the war, the said Plummers were extensively engaged in purchasing tobacco in Maryland; that they had large quantities of tobacco in store in the public warehouse at Nottingham, Prince George's county, Maryland; Magruder's warehouse in same county; Tracey's Landing in Anne Arundel county; and Benedict warehouse, in Charles county. That the hogsheads of tobacco, which were in the Nottingham warehouse, were removed by the order of the commanding officer, and erected into a breastwork, with the view of giving protection to our troops; that the village was in imminent danger of being assailed by the enemy, hence the necessity for the defence of the place; that this necessity was so obvious that nobody pretended to deny it; and the commanding officer would have deserved a severe rebuke had he abstained from using the tobacco as a means of defence. The exercise of this power in the present instance was under circumstances of no ordinary occurrence. The unexpected advance of the British troops upon the villages bordering on the Patuxent river in 1814 found this section of the Union wholly unprotected. In June, 1814, when the enemy ascended the Patuxent river, within twenty-eight miles of Washington city, there was not a breastwork, nor a fortification of any description; not a solitary cannon planted to sound an alarm, or check their progress to the Capitol of this Union. What was to be done? Under these trying circumstances, the commanding officer did not hesitate. He lost no time in strengthening his position and fortifying himself in the best manner time and circumstances would allow. If the necessity exist, then that case has arrived, in which the government may take private property, or endanger its safety, for the public defence. The government did this. They did it through their officer, and the result was a loss to said Plummers. Your petitioner prays that as the case of George Armstrong is in all respects the same with this, so far as the tobacco warehouses at Nottingham and Magruder's are concerned, the said papers, affidavits, depositions, letters and statements, &c., &c., be adopted as proofs in this case. It is well established by the depositions herewith filed, that the tobacco, out of which our troops constructed a fortification, was destroyed and carried away by the British in consequence of its being used as a breastwork. (See James Baden and Major Biscoe's affidavits.) It must be recollected by all who are conversant with the events of the late war, that during the year 1814 Nottingham was little else than a garrisoned village. Both the regular army and militia made it the place of rendezvous.—(See Commodore Barney's letter to General Bowie. See note, No. 1.)

Your memorialist deems it proper to account for the cause the ware-

house at Nottingham was not burned, together with a house adjoining thereto, the armory, in which the arms of the militia were constantly kept. Its exemption from conflagration was owing to its immediate proximity to the village, which would have involved the entire village in flames and inevitable destruction.—(See Major Biscoe's statement.)

In relation to the destruction of the warehouse at Magruder's, in Prince George's county, Maryland, the foregoing remarks may be considered as applicable to some extent, in explaining the views upon which the claim for indemnification is founded.

The fact is supported by unquestionable testimony, that the warehouses were occupied by our troops as a shelter and protection. The occupation of buildings need not be a literal occupation, even for a single night. If in the presence of an enemy, it amounted to the occupation which should entitle the owner of the property to full compensation. This position must be conceded. While thus occupied, if it is destroyed, so that occupancy was the cause of its destruction, the government is bound to grant compensation. The individual who owned the property suffered from a new character induced upon his property by the act of the government. The petitioner will further state, that the despatches of Admiral Cockburn, in giving an account of his depredations on the Patuxent river, says that he burnt the warehouses, as he considered them military posts thus; bringing the case precisely within the principles as established by the legislation of Congress.

Extracts from Cockburn's despatches, June 22, 1814.—He says that, "a detachment of sailors and marines was landed on both sides of the river (Patuxent,) and the enemy's militia had assembled to the number of three to five hundred, retreating before them in the woods. The marines destroyed the tobacco stores and several houses, which formed military posts." Again, he says, that "Captain Barrie advanced from Benedict to Marlborough; a schooner was found loaded with tobacco; after which they burnt tobacco stores, containing two thousand four hundred hogsheads; the detachment re-embarked."

Your petitioner will now investigate the circumstances under which the tobacco inspection warehouse at Tracey's Landing, Anne Arundel county, Maryland, was destroyed. Tracey's Landing is on a small creek, within a short distance of its mouth, in the Chesapeake bay. During the spring of 1814 Commodore Barney, commanding the American flotilla in the Chesapeake, in order to lighten his vessel, deposited a considerable quantity of munitions of war in the tobacco warehouse at Tracey's landing, and left a detachment of men to guard the same; that the said stores and munitions of war were gradually removed over land to the Patuxent, for the use of the flotilla, and a considerable quantity remained at the time of the destruction of the said warehouse. In October, 1814, the British fleet, in considerable force, under Admiral Warren, appeared in the Chesapeake, in the neighborhood of Town Point and Tracey's Landing. A detachment of militia was ordered to take post at this point, for the defence of the warehouse aforesaid, where a large quantity of tobacco was in store. This detachment occupied the said warehouse as barracks, by order of Captain Franklin, their commanding officer. The governor of Maryland sent a cannon to the

detachment there posted, for the purpose of aiding in the defence. The British boats at length entered the mouth of the creek, and were immediately fired upon by the detachment stationed at the point. Being much superior, however, in ordnance and numbers, they succeeded in dislodging the American militia from their position. They then proceeded up the creek to the warehouse at Tracey's Landing, where the militia there stationed had taken the hogsheads of tobacco from the said warehouse and made barricades and fortifications of them, adjacent to and around said warehouse, for their defence; but they were unsuccessful, and obliged to vacate their position. The British troops soon took possession, and burned the warehouse occupied by the militia, and burned and destroyed the tobacco, but scrupulously abstained from destroying any other property. The tobacco was taken from the said warehouse and erected into a fortification, by order of Captain Franklin, the officer in command at Tracey's Landing.

The foregoing facts are established by a mass of testimony of the most respectable character, although, unfortunately, the commanding officer of the militia detachment and nearly every other commissioned officer are dead, and their evidence beyond the reach of claimants. It may be necessary to add that the commander of the British forces justified the destruction of the warehouse and the tobacco aforesaid, to Mr. J. S. Skinner, on the ground of its being occupied and used by the American troops.—(See John S. Skinner's statement; also the affidavits of Samuel Colt, William Ennis, and James Tongue, to establish the fact of the tobacco being turned into a fortification.)

Was the warehouse occupied "as a place of deposit for naval or military stores of the United States?"

As to the occupancy of the tobacco warehouse as a place of deposit for naval stores, the testimony adduced is conclusive upon this point. Almost all the witnesses refer to such an occupancy of this, under the orders of Commodore Barney, as a place of deposit for the munitions and stores of his naval flotilla upon the Chesapeake bay, and they all concur in stating that the occupancy of the warehouse for this property of the United States commenced in the summer of 1814, and continued until the enemy destroyed it. It further appears that the purser's steward and some of the witnesses say, a small guard also were kept in charge of these naval stores at the tobacco warehouse at Tracey's Landing, until its capture and conflagration. Many of the witnesses state that a part of the naval stores remained in the warehouse at the time of its capture and destruction.

From the testimony of R. Biscoe and others, it will appear that all the tobacco in the warehouse was carried away and destroyed, as also that which was used as a fortification.

Your petitioner will now proceed to the investigation of the circumstances under which the tobacco stored in the warehouse at Benedict, Charles county, Maryland, was destroyed and carried away by the naval forces of Great Britain.

In June, 1814, the naval forces of Great Britain ascended the Patuxent river with a very considerable number of vessels-of-war; on the 15th of June they reached the village of Benedict. For the purpose

of resisting the aggressive movements of the enemy, and to arrest their depredations, a portion of the troops of the United States had been stationed in Benedict. The commanding officer of the army finding the station a very exposed one, and without any fortification behind which his men could protect themselves in the event of a conflict with the enemy, and to oppose, if possible, their landing, he was compelled to resort to the only means available, to seize and remove the hogsheads of tobacco, then stored in the warehouse, for the purpose of erecting a breastwork. The order to roll the hogsheads of tobacco out of the warehouse and construct a breastwork was given by an officer of the United States army. That a battery was constructed out of said tobacco.—(See Cusick's testimony.)

This was the conversion of private property into the public use, and would grow out of that state of necessity which is superior to all law, and flows from what the civilians call the eminent domain which belong to all governments, and is founded on the irresistible dictate and impulse of self-preservation. Every writer in treating of the rights of sovereignty says, that when a nation is at war, it has a right to avail itself of all its means.

The rule laid down in the laws of Congress is, that if the United States, in the prosecution of a war, occupy and use the property of a citizen for military purposes, so as to make it the legitimate object for capture and destruction, according to the rules of civilized warfare; and if, in consequence of such occupancy, the enemy be drawn upon and do capture and destroy it, the owner shall be compensated out of the public treasury. This is manifestly right, and it is no more than simple justice, under the provision of the Constitution which prohibits the taking of private property for public use without just compensation.

As to the extent of the occupation of the village of Benedict by the British troops, it must be recollected by all who are conversant with the history of the late war, that the country bordering on the Patuxent river, during the year 1814, was little else than a great cantonment. The British troops held possession of this village during the whole summer, and part of the fall of 1814. The regulars had been driven out of possession by the arrival of a superior naval force, and the property was destroyed by the enemy. It would be absurd to say that the government would not pay for its destruction because our troops were not in actual possession at the time of its destruction. Your petitioner begs leave to state that the abandonment of the possession should be of such a character that the owner could take possession and enjoy all the rights to which he was entitled, otherwise the troops would be in constructive possession.

That the regulars were stationed in the village of Benedict is a fact, sustained by the affidavit of Austin Cusick, and by the letter of the late Hon. Clement Dorsey to General Philip Stuart, then commander of the militia forces in this section of the State. Your petitioner will remark, that the said Hon. Clement Dorsey was the aid-de-camp to General Philip Stuart.—(See Hon. Daniel Jenifer's statement.)

By a reference to Admiral Cockburn's despatches to Admiral Cochrane, the statement of Austin Cusick is fully sustained and corroborated.

rated. He says, "that on the 15th of June, 1814, the *Narcissus* arrived, and Captain Barrie determined to proceed up the river in twelve boats, having in them one hundred and eighty . . . rines and thirty of the *black colonial corps*; they proceeded to Benedict, where a party of regulars fled, leaving behind several muskets and a part of their camp *equi page*."

Again, by a reference to the *Federal Republican*, bearing date 24th June, 1814, which contains a diary of the operations of the enemy from the time Barney's flotilla entered the Patuxent, it will be found that Commodore Barrie, in a conversation with the honorable Clement Dorsey, stated that there were "military and artillery pieces" stationed in Benedict. This assertion on the part of the British commander is not controverted by Dorsey.—(See Clement Dorsey's conversation with the commander, and herewith filed.) The facts, as contained in the above recited documents, go conclusively to the support of Cusick's testimony in relation to the companies of the United States being stationed in Benedict.

The most open village, if resolutely defended, will cost many men before its fall. The village of Benedict being located in an open plain, and situated immediately on the banks of the Patuxent river, from its peculiar localities, surrounded by creeks and marshes, the frame buildings, so far as the working of artillery pieces, affording no shelter, could not have been maintained for one hour against a superior force. In the next place, an officer would have displayed a great want of military knowledge, in the disposition either of artillery or infantry, to have stationed there a military force for any effective purpose, much less have attempted to oppose the landing of the enemy's troops, without constructing some work of defence, behind which his men could find protection from the firing of the enemy's vessels-of-war. The conclusion seems to be irresistible, from these facts and circumstances, that the situation of our troops absolutely required the erection of a fortification. That such an entrenchment was thrown up there can be no doubt, for it is expressly stated that the tobacco was rolled out of the warehouse and used as a fortification.—(See John L. Dorsey's affidavit.)

These are the material circumstances attending the destruction of the tobacco at the Benedict warehouse; and, in the face of them, can there be doubt as to the cause of the destruction? Was it not palpably the use made of this tobacco, its change from a pacific to a hostile character? Your petitioner ascribes the destruction of the tobacco to its use and occupation by the regulars of the United States service, and the preparation by them to repel the invasion by the British forces.—(See Cusick's testimony.) There is no principle better established than this, that if property is destroyed by one of the incidents to the situation and employment of our troops in which it is placed, the government is liable.

Was this tobacco in the Benedict warehouse destroyed and carried away by the British troops? In the affidavits of Zachariah Sothoron, John Moran, and Austin Cusick, bearing date 11th March, 1824, and herewith filed, it is distinctly stated that the tobacco at the Benedict warehouse was destroyed and carried away by the enemy, in conse-

quence of the use to which it was appropriated by our troops when said forces landed in Benedict. The affiants say, "that there was considerable quantity, say four or five hundred hogsheads, of tobacco in said warehouse when said force landed;" again, these deponents say, they saw the enemy "burning and otherwise destroying tobacco in the said town of Benedict; not more than thirty hogsheads remained in and about the warehouse."

Your petitioner will remark, that the foregoing affidavit was found in the State Department, and filed in a case pending before the board of commissioners, which assembled in the city of Washington, to adjust and examine into the validity of claims under the first article of the treaty of Ghent. According to the interpretation imposed upon this article, it was deemed unnecessary to show how and in what manner the property was destroyed—it was merely necessary to establish the fact that the property was deported by the naval power of Great Britain, and within the waters of the United States, at the time of the ratifications of the treaty of peace. Hence the *omission* on the part of the affiants to state that the destruction or the carrying away of the tobacco was in consequence of its being used as a fortification for our troops. All that was required of the claimant was to show its destruction and deportation.

The conclusion that a portion of the army of the United States were stationed in Benedict, and that the tobacco was used as a fortification, and destroyed and carried away by the British forces, perfectly harmonizes with all testimony filed by your petitioner. The testimony of the deponents strengthen and support each other in all the positions assumed by your memorialist, as regards the destruction of the tobacco in the Benedict warehouse. The precedents in favor of the claim now presented are full and complete.—(See the reports of the Committee of Claims, House of Representatives, No. 132, 29th Congress, 1st session, and reference to the case of James Tongue and others. See 15th Congress, 1st session, No. 391, House reports; 15th Congress, 1st session, 420, House reports.)

Independently of the intrinsic merits of the claim of your memorialist, it is contended that the principle of indemnity has been recognized and established by the decision in the case of James F. Sothoron, passed at December session, 1848, which is, in all its circumstances, far short of the present case. In that case the principle is laid down that personal property shall be paid for by the government whenever it is converted to public use.—(See note No. 2.)

In the view which that committee formed of this case from the evidence, there can be no doubt they considered all the *government responsibility* attaching, as soon as the occupation commenced by the American troops, and its consequent destruction by the enemy.—(See note No. 3.)

That, in the great lapse of time, it is a difficult work to procure testimony connected with the events of the late war with Great Britain; that many persons who witnessed the scene of what was then called the "Chesapeake depredations" have died, and but few survive to give a full history of the occurrences of that day. It cannot be expected that these events should be sustained by the same definite

and precise proof as that which may be required according to the strict principles of a legal proceeding, but that your honorable bodies will consider the special circumstances of the case, and grant compensation in conformity with the principles of equity and justice. The 5th section of the act of 1816 declares "that where any property impressed or taken by public authority, for the use or subsistence of the army during the late war, has been destroyed, lost or consumed, the owner of such property shall be paid the value thereof." This section is general, and embraces every description of property. The precedents established and referred to in this memorial proves that Congress did not intend that the act of 1816 should form the boundary of relief; on the contrary, that it considered the special circumstances of each case, and grant indemnification in conformity with the principles of equity and expediency. There can be nothing in this section that sanctions, by the remotest implication, the doctrine that compensation should not be granted in all cases where property has been used for belligerent purposes and offensive operations.

The change of our amicable relations with a foreign power works a change in civil government, and destroys many of the securities by which we hold our property.

Your petitioner further states that the evidence of this tobacco being stored in the warehouse at Nottingham and at Magruder's, Tracey's Landing, and Benedict, is fully established by the tobacco notes, which were given by the inspectors in obedience to the laws of Maryland regulating the inspection and safe keeping of the tobacco. By the act of Maryland, passed in 1801, chapter 63, section 18, it is declared that the inspector or inspectors who shall pass any tobacco, shall deliver as many notes, under the hand of the inspector or inspectors, to the owner, and in his name, as shall be required, in which note or receipt shall be expressed the place and time of reception; the mark of the warehouse, the number, and the gross, tare and net weights for all tobacco inspected and passed; and also in the note shall be expressed whether of the first or second quality—the first quality to consist of tobacco clear of and unmixed with trash; and the said notes shall be payable to the said owner or bearer, and shall be current and receivable in payment of all debts and contracts for tobacco, or judgments and decrees on contracts for tobacco, according to the terms and intention of the contract, judgment or decree, (as the case may be,) and shall be *transferable* from one person to another, and shall be paid, upon demand, by the inspector or inspectors who signed the same.—(See affidavits of the Plummers as to their possession of the notes, and Christopher Neale's.)

Sec. 26 provides a penalty for forging manifests or notes.

Sec. 39 declares that inspectors "are declared to be answerable to the owners of any notes mentioned and described in such manifest, so far as to produce the same hogshead or hogsheads of tobacco belonging to any owner."—(See Dorsey's Laws of Maryland, page 453, vol. 1.)

Your memorialist further states that he had stored in the warehouses at Magruder's 53 hogsheads of tobacco, and 28 hogsheads at the Nottingham warehouse, and 57 hogsheads at Tracey's Landing,

and 19 hogsheads in Benedict warehouse—all of which were totally destroyed and carried off by the British, for which he claims compensation.

Your memorialist further remarks that, until the principle of indemnity was established by the decision of Congress in the case of James F. Sothoron, (passed December session, 1848,) he was ignorant whether or not such an application for compensation for the destruction of personal property would be sustained, but, as Congress has seen proper to recognize the propriety of indemnifying citizens for the loss of such property, he now presents his memorial, and accounts for his delay in prosecuting said claim.

Your memorialist prays such relief in the premises as may be fair and reasonable.

NOTE No. 1.—See Brigadier General Winder's letter to Major Biscoe, and herewith filed; also, General Winder's letter bearing date 27th July, 1814, to the Secretary of War, in which he says, that Col. Bowen's regiment, 300 strong, and a detachment of regulars, under the command of Lieut. Col Scott, were stationed at Nottingham. See Nile's Register, vol. 7, page 283; also, Admiral Cockburn's official report to Admiral Cockrane, in which he gives a detailed account of his naval operations on the waters of the Patuxent. He says "that on his approaching the town, (Nottingham,) a few shots were exchanged between the boats and some of the enemy's cavalry."

NOTE No. 2.—See Senate Report, No. 129, 30th Congress, 1st session. House of Representatives, report 57. The report of the Senate states "that it is difficult to draw a distinction, in equity, between a claim for loss of buildings and for the personal property they contain."

NOTE No. 3.—See the case of John S. Stiles, adjudicated in the 27th Congress, 2d session. He claimed indemnity for vessels sunk, for the defence of the city of Baltimore, in 1814. The Judiciary Committee of the Senate say, "that it is the duty of the government to make compensation for them and the damages which their owners had sustained." An act passed for his relief. See vol. 6 of United States Statutes at Large, page 126; also, the act for the relief of sundry citizens of Baltimore for the sinking of vessels at the mouth of the harbor of Baltimore. See vol. 6 United States Statutes at Large, page 265.

Statement of Austin Cusick, of Charles county, Maryland.

In June, 1814, when the naval forces of Great Britain ascended the Patuxent river, the tobacco warehouse at Benedict, Charles county, Maryland, contained several hundred hogsheads of tobacco, belonging to persons in the neighborhood. With the view to the protection of the property in that village, Captain Carberry's company of the United States service had been ordered to repair to that place for the purpose of arresting the hostile aggressions of the enemy. As a means of defence, and to give shelter to his men when the enemy opened their guns, Captain Carberry ordered his men to roll out the tobacco then in the warehouse with a view of erecting batteries. A well constructed fortification was made, and was used as such by the *regulars*. When the enemy reached Benedict, Captain Barry, of the royal navy, discovering the uses for which this tobacco had been converted by our forces, and to prevent it from being used again as a military position, had it rolled into the river, some of it was destroyed, and a large portion was carried away. I was present myself, and beheld the erection of the batteries and the destruction of the tobacco, which was in consequence of its being used for military purposes.

WOODVILLE, *Prince George's county, Maryland.*

Personally appeared before me, a justice of the peace of the State of Maryland in and for said county, Austin Cusick, and makes oath on the Holy Evangely of Almighty God that the foregoing statement is true and correct to the best of his knowledge and belief.

Sworn before—

JOS. C. THOMAS, *J. P.*

NOVEMBER 24, 1849.

I hereby certify that Mr. Austin Cusick is a man of veracity and integrity.

JNO. D. BOWLING,
Member of the Senate of Maryland.

NOVEMBER 25, 1849.

MARYLAND, *Prince George's county, ss.*

I hereby certify that Joseph C. Thomas, gentleman, before whom the foregoing affidavit appears to have been made, was, on the day of the date thereof, and still is, one of the said State's justices of the peace in said county, duly commissioned and sworn.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of Prince George's county court, this twenty-
[L. S.] fifth day of February, A. D. 1850.

JNO. B. BROOKE,
Clerk of Prince George's county court.

Gerrard Plummer, now residing in Anne Arundel county, State of Maryland, but formerly a merchant of the town of Alexandria, Virginia, as one of the firm of Jerome & Gerrard Plummer, personally appeared before me, and being of the denomination called Friends or Quakers and conscientious of taking an oath, made the following statement upon his solemn affirmation as containing the truth, the whole truth, and nothing but the truth, that is to say: That on or about the 11th day of October, 1823, he delivered with his own hands to Christopher Neale the tobacco notes as described in the paper writing marked B, and the same made part and parcel of this affidavit. And he further declared, in like manner, that since their delivery as aforesaid, that he has never seen one of them or in any manner was privy thereto as regards any disposition which may have been made of them or any of them. He says he is now about seventy-six years of age, and has the most perfect recollection of their delivery to Christopher Neale, attorney at law, now and for many years a resident of the town of Alexandria, Virginia.

GERRARD PLUMMER.

ANNE ARUNDEL COUNTY, *scd.*

Gerrard Plummer, whose name is subscribed to the foregoing statement, after subscribing the same, made solemn affirmation before me, (he being of the denomination of Friends or Quakers,) that the said statement is, in each and every particular, strictly correct and true, to the best of his knowledge and belief. Given from under my hand as one of the justices of the peace in and for the county aforesaid, this seventh day of March, 1850.

Affirmed before

GEO. A. BARBER.

The undersigned, now, and for more than thirty years last past, residing in the town of Alexandria, Virginia, makes, subscribes, and swears to the following statement, that is to say:

That upwards of twenty years ago he had to pay a large sum of money as the security for the then firm of Jerome & Gerrard Plummer, merchants, of Alexandria, and as an *indemnity* therefor, after Jerome's death, Gerrard, who survived him, assigned and delivered the undersigned a large number of tobacco notes, corresponding, as he verily believes, in each and every particular with the above list, marked B, and which tobacco notes are nowhere to be found, although the undersigned has made diligent search for them, and never having made any disposition *whatever* of them, he feels convinced that he must have sent them to Mr. Berryman at the time that the undersigned wrote him the letter, of which the above is, he *presumes*, a true copy. The undersigned is methodical, both in his public and private affairs; has no recollection of ever having lost a paper of any kind since his manhood; could have had no motive in mislaying the tobacco notes, but on the contrary, every motive to take especial care of them, inasmuch as he has been a heavy sufferer on account of the security-ship aforesaid, and has no other *indemnity* therefor, while Gerrard, the surviving partner, is *hopelessly insolvent*, and the undersigned well knew at the time he sent the list of the tobacco notes to Mr. Berryman that the tobacco notes themselves were the *best evidence* of which his claim is susceptible, and being the *best evidence*, he feels certain, in his own mind, that they were sent, as hereinbefore stated; and he further believes, that at this moment they are somewhere in the State or some other department of the general government, if not lost or destroyed since they were, *as he believes*, sent up to Washington city.

CHRISTOPHER NEALE.

ALEXANDRIA, *March 8, 1850.*

ALEXANDRIA COUNTY, *scd.*

Christopher Neale, whose name is subscribed above, personally appeared before the subscriber, a justice of the peace for the county aforesaid, and made oath in due form of law, that the statement above made, and by him subscribed in his own proper handwriting, contains the

truth, the whole truth, and nothing but the truth, so far as he knows and verily believes, touching the matters and things to which it relates. Given from under my hand this, the seventh day of March, 1850.

WASHINGTON T. HARPER.

We have known Judge Christopher Neale, whose name is subscribed above, personally and intimately for a great length of time, and take pleasure in saying that he is a gentleman of the highest probity, of business habits, of the first respectability, and in all the relations of public and private life has the confidence and respect of his friends, acquaintances, and fellow-citizens.

WASHINGTON T. HARPER,
LUCIEN PEYTON,
GEORGE WHITE,
SAMUEL REESE,

Judges of the County Court of Alexandria county, Va.

B.

List of tobacco taken or destroyed by the British.

MAGRUDER'S WAREHOUSE, PATUXENT RIVER.

902, 961, 956, 1,029, 1,072, 1,040, 1,034, 980, 811, 1,069, 992, 1,112, 867, 1,025, 960, 1,028, 1,029, 950, 920, 1,041, 926, 1,078, 891, 888, 765, 1,207, 1,043, 984, 854, 1,161, 1,071, 986, 974, 1,002, 918, 915, 942, 1,018, 959, 965, 973, 1,051, 923, 934, 953, 931, 830, 1,046, 1,026, 997, 994, 936, 1,000.—Net.

BENEDICT WAREHOUSE, PATUXENT RIVER.

904, 856, 922, 1,019, 1,111, 966, 915, 896, 902, 950, 1,049, 1,132, 930, 927, 1,155, 1,002, 946, 1,048.—Net.

NOTTINGHAM WAREHOUSE, PATUXENT RIVER.

953, 954, 978, 976, 980, 1,020, 995, 1,026, 1,016, 960, 1,084, 1,070, 1,120, 982, 948, 987, 893, 1,046, 1,027, 912, 977, 1,190, 1,081, 1,188, 968, 942, 875, 954.—Net.

TRACEY'S LANDING WAREHOUSE, HERRING CREEK.

960, 1,036, 955, 976, 999, 759, 929, 903, 1,048, 870, 887, 1,013, 875, 920, 973, 993, 942, 906, 937, 803, 865, 746, 761, 966, 860, 995, 984, 854, 912, 877, 847, 767, 1,050, 1,054, 796, 1,131, 995, 857.

1,033, 930, 960, 932, 1,048, 872, 808, 993, 895, 973, 960, 862, 865, 830, 863, 875, 963, 995, 905.—Net.

ALEXANDRIA COUNTY, *set* :

Gerrard Plummer personally appeared before me, a justice of the peace for the county aforesaid, and affirmed (being one of the denomination called Quakers) that the above tobacco was destroyed or taken by the British during the late war, out of the warehouse named above, and that it was the property of Jerome and Gerrard Plummer, late merchants and copartners of this city.

Given from under my hand this 11th October, 1823.

C. W. NEALE.

ANNE ARUNDEL COUNTY COURT.

I hereby certify that Gassaway Winterson, gentleman, is one of the State of Maryland's justices of the peace in and for Anne Arundel county, duly commissioned and sworn.

[L. S.] In testimony whereof I hereto set my hand and affix the seal of Anne Arundel county court this 19th day of March, 1836.

WM. S. GREEN,

Clerk of Anne Arundel County Court.

We, the undersigned, long citizens of the town of Alexandria, hereby certify and declare that we were *personally* and *intimately* acquainted with the former firm of Jerome and Gerrard Plummer, late merchants of the town of Alexandria, Virginia, and that they were merchants of high character and standing, and as regards Gerrard Plummer, he ever was respected and esteemed by all who knew him, and that he was a man of strict truth and probity of character.

Given under our hands this, the 2d day of February, 1850.

ZENAS KINSEY.

SAMUEL PEACH.

BENJAMIN WATERS, } *Affiants.*
D. MINOR, }

COMMONWEALTH OF VIRGINIA, } *ss.*
Alexandria county.

Personally appeared before the subscriber, a justice of the peace in and for the county aforesaid, the above named Samuel Peach; Zenas Kinsey, Benjamin Waters, and Daniel Minor, and whose names are subscribed to the above certificate or declaration, and seve-

rally affirmed and made oath (two of the said persons being of the denomination of Friends, or Quakers,) that the statement which they have made, and to which they have subscribed their names, is strictly correct in each and every particular.

Given from under my hand this, the 2d day of February, 1850.
SAMUEL REESE, *J. P.*

STATE OF MARYLAND, }
Charles county. } *sc.*

On this 11th March, 1824, personally appeared before the subscriber, one of the State of Maryland's justices of the peace for Charles county aforesaid, Zachariah Sothoron, John Moran, and Austin Cusick, all of the county and State aforesaid, they being severally sworn on the Holy Evangely of Almighty God, depose and sayeth, that they resided in the neighborhood of Benedict warehouse, in the county and State aforesaid, and on Patuxent river, at the time the enemy's forces landed in Benedict aforesaid during the late war. That there was a considerable quantity, say four or five hundred hogsheads, of tobacco in said warehouse when said forces landed in Benedict. These deponents further say, that they repeatedly saw said enemy's forces taking tobacco from said warehouse on board their boats; also, that they saw them burning and otherwise destroying tobacco in the said town of Benedict; and, further, that when said forces left Benedict not more than about thirty hogsheads of tobacco remained in or about said warehouse.

Sworn before

WILLIAM MORTON.

STATE OF MARYLAND, }
Charles county. } *sc.*

I hereby certify that William Morton, gentleman, before whom the above affidavit appears to have been made, and whose name is thereto subscribed, was at the time of taking and subscribing the same, and still is, one of the State of Maryland's justices of the peace in and for the county aforesaid, duly commissioned and sworn, and to all whose acts as such full faith and credit is and ought to be given as well in courts of justice as thereout.

In testimony whereof I have hereto subscribed my name and affixed the seal of Charles county court this eighteenth day of March, in the year of our Lord one thousand eight hundred and twenty-four.

JOHN BARNES,
Clerk of Charles County Court.

STATE OF MARYLAND, }
Charles county. } *set.*

On this 11th day of March, 1824, personally appeared Benjamin Wood, of the county aforesaid, before the subscriber, one of the State of Maryland's justices of the peace for Charles county aforesaid, and being sworn on the Holy Evangely of Almighty God, deposeth and sayeth, that he was a qualified inspector of tobacco for Benedict warehouse, in Charles county aforesaid, on the Patuxent river, for the years eighteen hundred and twelve, thirteen, and fourteen, during which time he did receive in said warehouse the six hogsheads of tobacco, marks, numbers, weights, &c., as follows:

G. S.	27, 1,121, 107, 1,014,	} In the year 1813.
	28, 1,069, 108, 961,	
	9, 1,045, 106, 939,	
	10, 1,118, 110, 1,008,	} In the year 1814.
	73, 1,061, 100, 961,	
E. M.	27, 1,185, 105, 1,080,	}

Which tobacco, this deponent further sayeth, was in Benedict warehouse aforesaid when the enemy landed his forces in Benedict during the late war; that after said forces left Benedict no such tobacco was in said warehouse. This deponent further sayeth, that there were about four hundred hogsheads of tobacco in said warehouse at the time the aforesaid enemy's forces landed in Benedict, and not more than thirty hogsheads, or thereabouts, remained in or about the warehouse when said forces left Benedict.

Sworn before

WILLIAM MORTON.

STATE OF MARYLAND, }
Charles county. } *set.*

On this 18th day of March, 1824, personally appeared Joseph Gardiner before the subscriber, a justice of the peace for the county and State aforesaid, and made oath on the Holy Evangely of Almighty God, that he had in his possession the tobacco notes for the above six hogsheads of tobacco, given by the above named inspector of tobacco at Benedict warehouse aforesaid, when said tobacco was destroyed or carried away, and that said tobacco notes still remain in his possession.

Sworn before

WILLIAM MORTON.

FLOTILLA, *July 8, 1814.*

MY DEAR GENERAL: I have thought proper to send forward the information I received from Major Biscoe, and to point out the necessity of having some troops stationed here to act with the flotilla; at the same time to inform the government of the impropriety of drawing

the militia from this vicinity across the river for the defence of Calvert, &c. I will thank you to have the despatch forwarded by some trusty person, and am yours, &c.,

JOSHUA BARNEY.

The above letter was written at the time when the United States flotilla, commanded by Commodore Joshua Barney, were at anchor at the port of Nottingham, Prince George's county, Maryland.

G. W. BISCOE.

February 20, 1850.

The original letter, in the handwriting of Commodore Barney, is filed with the committee in the case of George Armstrong.

To General Philip Stuart.

DEAR GENERAL: The enemy last evening loaded their barges from the plunder schooner, which I informed you was aground, and proceeded to St. Leonard's creek. I repaired early to Benedict, and discovered them trying many expedients to float the schooner; the principal part of her cargo was conveyed to the privateer laying near the warehouse. I thought that after that object was effected, they would move on, and that, if they should set the warehouse on fire and leave the town, by great exertion some of the private buildings might be saved. For this purpose I prevailed on a number of the neighbors to remain. While shading ourselves under a cedar a twelve pound shot was fired at us. The elevation of it was excellent; it fell wide of us, about one hundred and fifty yards; I found and weighed it. To my great mortification, a brig, with a number of barges, taking the soundings, was descried coming from St. Leonard's creek. As they have a force adequate to any military or plunder expedition, I feel confident that the brig is proceeding up in order to save our American merchants the trouble to look out for shipping, intending themselves to become the carriers of our tobacco to fine markets, which the present state of the continent is likely to produce. If this tobacco is destroyed, or shall be removed, they will have destroyed on this expedition, in the public warehouse, at least seventeen hundred and fifty hogsheads.

I can form no opinion as to the length of time that it will take to load their brig. I am more convinced, from the peculiar situation of our country, having extensive plains in front of the water and intersected by navigable creeks, which gives them an opportunity of bringing their artillery to bear on an opposing force, that they can only be efficiently resisted by artillery. A ridge which overlooks the town, would form a fine station for it, and I have no doubt that if the President would order on some heavy mettle, with a proper quantity of men to work them, that the enemy would be much worsted before he could regain St. Leonard's creek. Indeed you have no conception of the universal panic which prevails here. The regulars, who were

stationed in Benedict, lost a part of their baggage and provisions. Believing I can be of no further service here, I shall return home, where you will write me.

Yours, very truly,

CLEM. DORSEY.

JUNE 18, 1814, 4 o'clock.

Copy of a letter to General Philip Stuart.

DEAR SIR: I wrote to you from Bryan Town at 12. As I travelled on to Benedict, I found the whole country in a state of the utmost alarm. When I reached the hill which overlooks the village, I found a few of the neighbors, collected there from curiosity, and but one musket amongst them. The enemy at this moment were descending the Patuxent, with one more schooner than they ascended with, crowded with cattle and plunder. They soon fired the barn of Mrs. Mackal, in Calvert. The immense amount of tobacco and the value of the private buildings, rendered me very solicitous to arrest, if practicable, their course of destruction. I deemed it my duty to make the attempt. I had no interest in the warehouse or the town. In the absence of all military force, I determined to see what a flag would effect. After some difficulty in procuring any person to accompany me, I met with Mr. Thomas Lancaster, who attended me. I hoisted a flag and rode into the town. I was met at the mouth of it by the commanding officer, when the dialogue detailed in No. 1 passed. He received me with haughtiness, which produced the temper on my part displayed in my answers.

Upon my return to my neighbors, I heard with astonishment and indignation that a quantity of whiskey had been by design poisoned, by an infusion of arsenic, and left in the town. But a few moments passed before I determined on my course. I considered the American character as deeply implicated in this horrible deed, so inconsistent with humanity and the established usages of nations, that its immediate disclosure was called for, lest its effects might produce the intended design, and thus give to our unfortunate situation a more desolating complexion. I determined immediately, under the sanction of a flag, to return to the town. Doctor W. Dent and Mr. James Brawner attended me. We again, higher up the town, met with the commanding officer, when the conversation detailed in No. 2 ensued. He was attended with but one private. He was more gentlemanly in his manner, and evidently showed a disposition for further conversation, which I promptly declined. Upon our return, and while dismounting to replace my pistols, which I had left by the road side, the two gentlemen with me descried a party of four advancing to Mr. Sothoron's residence. Notice was given by them to the neighbors, who were retiring. I forced on as fast as my horse would carry me, calling upon them to return, and asking them if it was possible for them to permit a neighbor's house to be destroyed by four

men. We advanced, but with one gun, without anything to reload her with. We heard them breaking open the doors. We were entirely ignorant whether they had any force concealed. I begged them to fire the gun, and called out as loudly as I could for the cavalry and artillery to advance, and gave orders evidencing the presence of a great force. They run with great precipitation, and when I saw them they were near the town. They appeared to be sailors; but the distance was too great for me to speak with certainty on this subject. Shortly afterwards their marines, in full uniform, were discovered in the marsh, at the place where these men must have crossed; and as they have not advanced higher up, I suppose them to have stationed them to prevent any straggling parties from advancing into the country. I have been compelled (as I could render no further service) to retire about three miles into the country to communicate with you. It is now seven o'clock, and as yet nothing is burned; I can have no wish to conceal my agency in this business. I beg you, therefore, to communicate it to the President, or any other officer of the government. I cannot but believe that this system of plunder is permitted, in order to attach the men to their officers preparatory to a combined attack by land and water upon Barney's flotilla.

I have not had time to copy this, and I beg you to preserve it, after it is communicated, as I have requested you.

I am, with great friendship, yours,

CLEM. DORSEY.

JUNE 17, 1814.

The second time I saw the Commodore he was on horseback; he brought the horse with him, as none were left in town. For five miles round we have no arms. Barrie commands the expedition that is now up the river.

DIALOGUE No. 1.

Dorsey.—Sir, my name is Dorsey.

Commodore.—What do you want?

Dorsey.—I wish to see the commander of this detachment.

Commodore.—I am he.

Dorsey.—I am a citizen of Maryland.

Commodore.—What do you want?

Dorsey.—I want, if practicable, to suggest to you reasons sufficient to induce you not to burn this property.

Commodore.—Who told you we were to burn it?

Dorsey.—Nobody; but if you intend to do so, I tell you that property (pointing to Mrs. Forbes' houses) belongs to a widow lady, now attending a dying child in Philadelphia. To save it I have hastened on here.

Commodore.—I doubt not your ability and disposition to make a good speech.

Dorsey.—It will not again be repeated to you. (On this I attempted to mount.)

Commodore.—If there was any design to burn, there could be no distinction. People leaving their habitations, and the military bringing field-pieces, and then cowardly abandoning them—[Dorsey, interrupting him]—If government order military establishments and then abandon them, the citizens cannot help it. You must pursue your own course. At this I attempted again to mount my horse. He was alarmed at the flag—I asked him if it was necessary to keep the flag?—He replied, I have sentries everywhere. No other conversation but what is detailed above passed at this interview.

THOMAS LANCASTER,
CLEM. DORSEY.

JUNE 17, 1815.

DIALOGUE No. 2.

Dorsey.—I never expected to see you again. I come to ask no favors. I come to discharge what I deem a duty. Since I left you I have heard with astonishment that some person has most wickedly poisoned four barrels of whiskey, [Dr. Dent, interrupting him, “but one”] and left them here. This fact, if true, may be ascertained by your physicians.

Commander.—Be it so, sir. The whiskey is stove. It was a most beastly act. I thank you, sir, for your communication. No more than every honorable man ought to make.

Dorsey.—I have but few friends collected. I have done this upon my own responsibility; I shall communicate it to my government; if that approves of it, it will be to me a consolation; if not, I have the approbation of my own breast.

Commander.—I have heard, sir, that there was military and artillery here; [Dorsey, interrupting him, saying, the only fact I can communicate with honor, sir, is, that the act was not perpetrated by a citizen.]

The above is the only conversation that passed.

WILLIAM H. DENT,
CLEM. DORSEY.

JUNE 17, 5 o'clock, 1814.

I have not seen Mr. Brawner since we returned.

We have received an interesting diary of the operations of the enemy from the time Barney's flotilla entered the Patuxent. It comes down to the 17th instant, but one interesting letter referred to has never come to hand. A few extracts will be given, as many of the events described are old.

June 11.—The enemy landed five companies of marines in Patterson's field, took twenty-eight hogsheads of tobacco belonging to Henry Gardner, esq., rolled them into the river and burnt the barn. Patterson's land binds on St. Leonard's creek. The enemy returned

at 4 p. m., burnt Patterson's dwelling and four other small houses. The same scene is expected at Col. Plater's to-morrow, who will not leave his house, and is resolved to defend it if he can get assistance; but not a file of men has been sent to assist him. The regulars under Carberry have all gone to Calvert, where Barney lies secure and cannot be aided by them. On this side of the river the regulars would have prevented much mischief.

June 12.—Lieut. Dickinson, of the Loire frigate, Capt. Brown, arrived with a flag at Col. Plater's. He demanded beef, saying, if furnished, the colonel's property should not be injured; if refused, it would be. Col. Plater peremptorily refused, adding "before he would acquire the character of a traitor, he would be bereft of his last shilling and gibbeted." "Suppose," said the colonel, "one of our squadrons occupied a station on the British coast, with the same power and disposition the British have here, and a similar demand was made upon one of his Majesty's subjects, and he complied; what would be the public opinion of his conduct?"

Lieut. Dickinson.—"He would be considered justifiable on the principle of saving his property, which was in the power of the enemy." He then offered to give government bills for provision.

Col. Plater.—"You will get none from me, sir." The colonel then expostulated on the departure from liberal and generous principles of war in the scene of the day previous, when Patterson's house was burnt. He said, with emphasis and spirit, "such proceedings go to establish a ferocious system of warfare, unworthy of an enlightened nation, and which, if retaliated, would substitute to generous principles a savage buccaneering warfare, disgraceful to both nations."

Lieut. Dickinson.—"Sir, my orders are to *capture, sink, burn and destroy*, and on that ground I acted yesterday."

Col. Plater.—"Being a naval force your instructions must apply to property afloat, such vessels and goods, or to fortifications, but not to helpless, unprotected individuals, residing on the water's edge, without the means of annoyance."

Lieut. Dickinson.—"I could wish the war conducted differently, but it is unavoidable. Recollect the conduct of the American troops at Fort George, Yorktown, and Newark."

Dickinson then made inquiries about Barney's force. Col. Plater answered by making inquiries about the British force. Some conversation then passed about the action with Barney on Friday, in which the lieutenant acknowledged the loss of two men killed in his barge and five wounded. He said Barney kept a point of woods between him and the frigate, or he would have been destroyed. He spoke of reinforcements. Col. Plater said we could reinforce with artillery as fast as they could, which he admitted, but added, if Barney is not destroyed he will be useless. We should not have come into the river but for Barney's flotilla, and it shall be destroyed.

Lieut. Dickinson.—"Sir, I know you have no militia force, and I have heard you would have none."

Col. Plater.—"I do not want an inefficient force; but if such a force is sent here I cannot help it. With a few hundred men I could annoy your marines very much before they could reach the house."

He smiled, and asked for news and papers, in which he was not indulged.

Lieut. Dickinson.—What is the opinion of your people as to Commodore Rodgers' account of the force that threatened him off New York?

Col. Plater.—In what way? I don't understand you.

Lieut. Dickinson.—Why, this frigate of thirty-eight guns, with a little schooner captured the day before, *were the line of battle ships* described by the commodore in his letter to the Secretary of the Navy. We made sail after him, believing it to be ———, but Rodgers was too quickheeled.

Col. Plater.—Is Admiral Cochrane on this station?

Lieut. Dickinson.—No. He will soon be here with a formidable force if there is not peace. We have sent a great force to Canada. The timbers of two frigates ready to put together have been sent. Sir James will fight hard for the command of the lake, and you cannot take Canada.

He departed, saying he should report to the captain Col. P.'s determination.

Extract of a letter from a gentleman of St. Mary's to the editor.

"In a former letter you have had the result of the enemy's operations up to 13th instant. On that day four of Col. Plater's negroes went over to the enemy, and at 10 o'clock, a. m., the next day, the enemy commenced a cannonade of his house, but without effect. At 4 p. m. they landed in his field a large force of marines, (between four and five hundred,) and marched to the house. The colonel's family and most of his furniture was removed, and his stock driven into the country.

Arrived at the house with his marines, the commander (Brown) and Col. Plater held the following dialogue:

Commodore.—I heard, sir, you had a strong force of militia, and I came to give them some amusement.

Col. Plater.—You are misinformed; but if I had an equal force, and your large vessels would be quiet, you would not reach them again.

Commodore.—That's impossible, sir. But to business—being disappointed in a fight, my men must have something, and you must not think hard of my suffering them to take the poultry.

Colonel P.—It is no advantage to troops to suffer them to plunder. Lord Wellington set a laudable and exalted example in his march through the south of France."

(The permission was given to the soldiers by the commodore to take the poultry.)

Commodore.—Sir, I will pay for the poultry.

Colonel P.—You will not, sir.

Commodore.—If you will give me an idea of the value of the poultry, I will leave the money in the house, for I must have them.

Colonel P.—You will injure my feelings very much if you do.

Commodore.—I do not wish to, nor will I injure your feelings.

The soldiers took all the poultry, but disturbed nothing else. Guards were placed at the doors to prevent the soldiers entering. The commodore observing that nearly all the furniture was removed, said it was quite unnecessary; that the colonel's family need not be under the least alarm, for nothing should be injured unless the house was made a military deposit of; in such case the consequences must be borne. The colonel seeing some negroes among the troops, asked, if previous to their march they would be formed in line. The commodore said yes. The colonel asked, if when formed he might walk down the line. As soon as they were formed the commodore invited him to walk along the line. The object was to ascertain their number, and also to see if the four negroes which had run away from the colonel the day previous were there. They were in the line, with eight others.

Colonel P.—It is improper, sir, to take slaves; and to put arms in their hands is more so.

Commodore, (quick and angrily.) *Who* began the war? The negroes are valuable—will you walk to the boats, sir?

Colonel P.—Being your prisoner, I must go wherever you invite me.

Commodore.—No, sir, you are free to do as you please.

He then said it was growing dark, and putting his hand to his bosom, said, emphatically, “remember, sir, on the word of a soldier, your house, furniture, and family shall not be injured, unless your house is made a military post of.” He added, but I must have a part of your stock. The colonel said he could have none of it, for it was in the interior. However, he insisted that he would have it yet, and it must not be thought hard of. He departed.

IN THE HOUSE OF REPRESENTATIVES, *January 27, 1846.*

MR. LIGON, from the Committee of Claims, made the following report, to accompany bill H. R. No. 137.

The Committee of Claims, to whom was referred the petition of Matilda Drury, report:

That this case has been repeatedly reported upon favorably, (once adversely,) by the Committee of Claims. The committee believe the petitioner entitled to relief, and know not that they can better express their opinions in relation thereto than by adopting the report made at the third session of the 27th Congress.

It is a settled and indisputable principle, that it is the duty of government to make just compensation to the citizen whose property has been taken for public use by competent authority. The committee believe the property of W. S. Tillard, whose legal representative Matilda Drury is represented to be, was taken by competent authority

for the public use, and was destroyed *in consequence thereof*. Therefore, as an act of simple justice, the committee report a bill allowing compensation, and recommend its passage by the House.

FEBRUARY 9, 1843.

The Committee of Claims, to whom was referred the petition of Matilda Drury, report :

That the petitioner represents herself as the widow of Samuel Drury, and the only surviving child of Major Thomas Tillard, and the sister of Captain William Smallwood Tillard, both of whom are now dead ; and as the legal representative of the latter, she claims compensation for a quantity of tobacco which belonged to said Captain W. S. Tillard, and was destroyed by the British at Tracey's Landing, in the State of Maryland, in the latter part of October, 1814.

The facts which are established in support of her claim are similar in detail to those which were deemed sufficient in the case of James Tongue and others, for whose relief bills were passed at the last session of Congress, and are as follows : Tracey's Landing is on a small creek, and within a short distance of its mouth, on the Chesapeake bay, and Town Point is situated immediately at the mouth of said creek. During the spring of 1814, Commodore Barney, in order to lighten his vessels, consisting of the American flotilla in the Chesapeake, deposited a considerable quantity of munitions of war in the tobacco warehouse at Tracey's Landing, belonging to James Tongue, and left a detachment of men to guard them ; that the said stores and munitions of war were gradually removed overland to the Patuxent river, for the use of the flotilla—probably a small remnant still remained at the time of the destruction of the warehouse. In October, 1814, the British fleet, in considerable force, under Admiral Warren, appeared in the Chesapeake, in the neighborhood of Town Point and Tracey's Landing, and a detachment of militia were ordered to take post at those points, for the purpose of preventing the enemy's landing ; that a large quantity of tobacco belonging to the inhabitants of the neighborhood was stored in said warehouse. The detachment of militia above mentioned occupied the warehouse and some buildings at Town Point as barracks, by order of Captain Franklin, their commanding officer. The position at Town Point was a strong one, and well calculated to effect the object for which it was occupied, the creek at its mouth being but about fifty yards wide, and covered by cannon which were sent to this detachment by the governor of Maryland, for the purpose of aiding in its defence. The British boats at length entered the mouth of the creek, and were fired on by the detachment stationed at this point, but being much superior in men and ordnance, they succeeded in dislodging the militia from their position. The enemy then proceeded up the creek to the warehouse of James Tongue, at Tracey's Landing, where the militia there stationed had taken the

hogsheads of tobacco from the said warehouse, and made barricades and fortifications of them, adjacent to and around said warehouse, for their defence ; but they were unsuccessful, and obliged to vacate their position. The British troops soon took possession, and burnt the warehouse and other buildings occupied by the militia, and burnt and destroyed the tobacco, but scrupulously abstained from destroying any other property. The tobacco was taken from said warehouse and erected into a fortification by order of Captain Franklin, the officer in command at Tracey's Landing. Patrick Henry O'Reiley, a neighbor of Captain William S. Tillard, testifies "that the removal of the tobacco out of the warehouse to a place of certain safety was suggested and discussed among the neighbors, and propositions made to remove what belonged to them, and some did remove theirs, but by far the greater part was left ; and the general conclusion was, that as private property it would be respected by the enemy, and also from an opinion that the militia would be adequate to its protection." And he says : "I have a distinct recollection that Captain Tillard, who had a considerable quantity of tobacco there, refused to permit its removal, because it would imply a distrust of the efficiency of the militia, and of their competency to protect the county and the entrance of the creek leading to Tracey's Landing." The affidavits of Samuel Colt, William Ennis, and James Tongue, are to the same effect, and establish the fact of the tobacco being turned into a fortification. Where it was located, by whose orders it was done, and of its destruction, Dr. James Tongue says : "I was present, and assisted in making said fortification, and the tobacco of the said Captain William S. Tillard was in said fortification." As to the quantity of tobacco put into said fortification and destroyed, Dr. James Tongue further testifies, "that by the laws of Maryland, no tobacco can be exported out of the State, unless each hogshead is opened and inspected by a sworn inspector, who is compelled by law to keep a book and a regular account of every hogshead inspected, with the owner's name, number, mark, and weight, both gross and net. The list of tobacco filed in the case of Matilda Drury, I do declare and say, is to my certain knowledge a true copy, (which I saw copied from the inspector's books, the official record ;) and that after the list was made out, I compared it with the inspector's books, and that it was a true and correct copy ; and that said hogsheads of tobacco were put into said fortification."

From this testimony, the committee are compelled to the conclusion that the tobacco for which compensation is now asked was taken for public use, and while in the use and possession of the public was destroyed, entitling the claimant, within the principles well established in the decision of similar claims, to a fair and reasonable compensation.

It appears from the list of tobacco filed in this case, and hereunto attached, that there were put into said fortification, of crop tobacco 22,312 pounds, of second tobacco 7,948 pounds, which Virgil Maxcy, esq., late Solicitor of the Treasury, testifies was worth from thirteen to fifteen dollars per hundred pounds. The testimony also establishes the fact that the petitioner is the legal representative of said Captain William S. Tillard, who died soon after the late war ; that she ap-

plied to Congress for relief in 1836, but that no action was had in her case from that time to the present, further than a report made in 1840, by the Hon. E. Whittlesey, then chairman of this committee, that there was a deficiency of evidence in the case, with an expression of a hope that it might be supplied. She alleges, as a reason why she did not make application for relief prior to 1836, that one Patterson, whose property was destroyed under similar circumstances, applied to Congress for relief soon after the war, and his petition was rejected; that he applied again, a few years since, and obtained relief. The committee find that relief has been granted in most of the cases where applications have been made for losses sustained on the same occasion and under similar circumstances; and that, although they do not altogether approve of the principle adopted in granting relief in the cases referred to, yet they cannot reconcile it to equal justice to make an exception, by reporting adversely on the claim of this widow.

The committee therefore report a bill for the relief of the legal representative of William S. Tillard.

To the honorable Congress of the United States:

The petition of James Tongue respectfully represents: That about the 29th day of March, 1836, he presented a petition to Congress, and the Committee of Claims, by their report, dated March 3, 1837, considered his petition heretofore presented, not sufficiently clear and definite. The defect in the original petition arose from the ignorance of the petitioner not knowing the laws passed by Congress, which were essential to establish claims for property burnt by the enemy during the late war. Your petitioner now states that he only asks pay for the tobacco inspection warehouse, located at Tracey's Landing, in Anne Arundel county, Maryland. Which said property, you will see, was valued at \$1,837, by the papers filed with the original petition.

Your petitioner states, that he claims pay for none of the tobacco in said warehouse, either burnt or taken away by the enemy.

It may be asked, why did not your petitioner apply sooner for this claim? To which he replies, that he was aware that J. J. Patterson had applied as early as 1816 for payment of his house, burnt by the enemy, and as his petition was then rejected, he supposed it was useless to apply, as Mr. Patterson's and his (your petitioner's) claims stood precisely on the same footing. But being informed by the honorable Mr. McKim that the Committee of Claims had reported favorably on the claim of J. J. Patterson, in 1836, your petitioner, as soon thereafter as possible, presented his, as the two claims were on the same footing.

In order that the nature of your petitioner's claim may be fairly and distinctly understood, it may be necessary to state that the above named tobacco inspection warehouse was located on a creek that makes from the Chesapeake bay, about half a mile from the mouth of said creek.

It was considered that the point, called Town Point, forming the

mouth of this creek, where it was very narrow, was an advantageous position to be selected for the defence of the surrounding country generally, and also well calculated for the defence of Tracey's Landing tobacco inspection warehouse, and the tobacco therein stored, being several hundred hogsheads, belonging generally to the tobacco planters throughout the neighboring country; and together with these natural advantages, the houses at the mouth of the creek aforesaid, would be a great accommodation to the militia called out to repel any invasion the enemy might make, as there were then more or less of the enemy's men-of-war ships in the Chesapeake bay, and often in this immediate neighborhood.

A portion of the second regiment of Maryland militia were stationed at Tracey's Landing, and at the mouth of the creek leading to Tracey's Landing, and the militia *used and occupied the said tobacco inspection warehouse, and also the houses at Town Point as a rendezvous for the militia.* The houses at the mouth of said creek consisted of a dwelling-house and out-houses belonging to John Scrivener, and also a new dwelling-house, out-houses, windmill, and store for retailing dry goods, belonging to William Hodson. That after the place called Town Point, being at the mouth of the creek leading to Tracey's Landing, was selected as a place of rendezvous for the militia, a piece of artillery was sent by the then governor of Maryland, to be stationed there, a fortification made near the mouth by throwing up an embankment, and a piece of cannon placed upon the margin of the creek, and between the two dwelling houses of John Scrivener and William Hodson before named, which were near to each other, and perhaps about sixty yards apart.

The said tobacco inspection warehouse at Tracey's Landing and the houses at Town Point, were used and occupied by the militia stationed there as barracks; they eat there, slept there, did military duty there, and that the militia there stationed attacked the British barges as they were advancing to Tracey's Landing through the mouth of said creek, and that they held possession until driven off by the superior force of the enemy, who landed, drove off the militia, spiked the cannon, and proceeded on to Tracey's Landing, where they also drove off the militia stationed there, they took possession of Tracey's Landing, used and occupied some of the houses as the headquarters of Commodore Barry, of the Dragon, 74, and employed a good many of their barges in taking tobacco from said warehouse and sending it on board their ships, (which were several seventy-fours and frigates,) which lay at anchor out in the Chesapeake bay, as near to Tracey's Landing as they could; and that the enemy held possession of the houses at Town Point and Tracey's Landing for some time, daily carrying off tobacco, and continued thus to be employed until the day that Gen. William Madison arrived with militia from Virginia, accompanied by a troop of horse belonging to the United States, commanded by Captain Bird; these troops got in the neighborhood after night, and early the next morning the battle at Kirby's Windmill commenced, in which Captain Bird got wounded, and some ten or twelve of the horse of the United States were shot by the enemy.

It may be necessary to remark that a deputation was sent on to the then governor of Maryland, Mr. Winder, informing him of the importance of this part of the county to be protected, and the quantity of tobacco belonging to the planters exposed to the enemy; and, in consequence of this representation, orders were issued by the governor to General Williams, and through him to Colonel Samuel Watkins and Major Gassaway Watkins, (all now dead,) and through them to their immediate respective officers.

Your petitioner asks pay for the tobacco inspection warehouse for the following reasons:

1st. Because it was taken possession of by Commodore Barney in the summer of 1814, and occupied by him as a depot for military stores for the United States flotilla, consisting of ammunition, provisions, cannon balls, &c., which said military stores were deposited in the said tobacco inspection warehouse, and some of the said stores were afterwards wagoned from said warehouse to the flotilla, in St. Leonard's creek, on the Patuxent river, and some were wagoned and deposited in the court-house at Prince Frederick, in Calvert county, which court-house was burned in consequence of said stores being deposited there, and which Congress has this present session allowed to be paid for. A small parcel of cannon ball and grape shot were left in said warehouse, and found there by the British officers when the enemy took possession of it.

There were several other houses at Tracey's Landing which the enemy did not burn or destroy. Commodore Barry, of the Dragon, 74, used the house of my brother (his family being absent) as his headquarters, which stood near the said tobacco inspection warehouse; the British officers ordered their men to stand by to save the other buildings if they should take fire from the burning warehouse, saying that the said tobacco inspection warehouse and the houses at Town Point, or mouth of the creek, were burned in consequence of their being military stations.

Your petitioner does not now know a solitary officer that was attached to the United States flotilla commanded by Commodore Barney, except John S. Skinner, now postmaster of the city of Baltimore, who acted as purser to the said flotilla, whose certificate is hereto annexed.

2d. Your petitioner asks pay because the said tobacco inspection warehouse was taken possession of, used and occupied by the militia ordered out by the civil authority of the State of Maryland, as barracks and a place of rendezvous for the militia, as a depot for arms, ammunition, &c.—(See deposition of Dr. Wyvill, herewith sent.)

3d. Your petitioner asks pay because a considerable number of hogsheads of tobacco were taken out of the said warehouse, and a fortification was made of the said tobacco by setting the hogsheads up endwise, to protect the militia while fighting behind; which said fortification was made adjoining to the said warehouse, which was used and occupied by the militia, until driven off by the superior force of the enemy, about the middle of October, 1814.

JAMES TONGUE.

JUNE 7, 1838.

Certificate of John S. Skinner.

I have carefully read the memorial hereto annexed, signed James Tongue, a gentleman long known to me as one of high character and undoubted integrity; and I can, and hereby do, certify that the statement of facts and occurrences set forth in said memorial is true and substantially accurate in all essential particulars.

At the period referred to the subscriber was a purser in the navy of the United States, charged at the time especially with the supply of clothing and subsistence to Commodore Barney's flotilla; and was, at the same time, agent for the exchange of prisoners of war, and for the conduct and superintendence of all intercourse by flags of truce with the enemy in the waters of the Chesapeake bay. The performance of these duties respectively made the undersigned familiar with the position, movements, and proceedings of both the American and British forces, as he has ever been with all the localities described in said memorial. It is within the knowledge and recollection of the subscriber that the warehouse at Tracey's Landing, destroyed by the enemy, was used and occupied by Commodore Barney as commander of the United States flotilla; that said warehouse, and the houses of Scrivener and Hodson at Town Point, were also used, as set forth, as military positions, and most eligible points of defence by the American militia for repelling the enemy and defending the adjacent country; and that said warehouse at Tracey's, as well as the houses at Town Point, mouth of Tracey's creek, on the dislodgement of the American forces were seized by the enemy, and, as was alleged by them to the subscriber, were destroyed on the express ground of their having been so used and occupied as military positions and defences by the American forces in the service of the United States, as in fact they are known to have been, by order of the officers commanding said forces.

J. S. SKINNER.

MAY 8, 1838.

STATE OF MARYLAND, }
City of Baltimore. } ss.

On this eighth day of June, in the year of our Lord eighteen hundred and thirty-eight, before the subscriber, a justice of the peace of the State of Maryland, in and for the city aforesaid, appears John S. Skinner, and makes oath on the Holy Evangely of Almighty God, that the matters and things set forth in the aforegoing statement are true to the best of his knowledge and belief.

Sworn before

THOMAS B. POTTINGER.

NOTTINGHAM, August 18, 1814.

SIR: As soon as you may find yourself justified in discharging the militia, you will oblige me by directing the sergeant and his party,

of the regulars, with the eighteen-pounder, to proceed to Upper Marlborough and await orders.

WM. H. WINDER,
Brigadier General, &c.

Major WASHINGTON BISCOE.

The above order, in the handwriting of General Winder, is filed with the committee in the case of George Armstrong.

I certify that the above is in the handwriting of my father, Wm. H. Winder.

CHAS. H. WINDER.

MARCH 5, 1850.

WASHINGTON, *April 5, 1850.*

DEAR SIR: In answer to your inquiry, whether the Hon. Judge Clement Dorsey, late a member of Congress, subsequently a judge of the first judicial district of Maryland, was or not aid-de-camp to Brigadier General Philip Stuart during the late war with Great Britain? I reply that, in the years 1813 and 1814, he did act as such; and that I was myself, during part of that period, in General Stuart's camp.

Yours, very respectfully,

T. SMITH.

Major W. B. SCOTT.

Copies of orders of his Excellency Governor Winder to Major Biscoe.

[Extract from the Adjutant General's Office, Annapolis.]

ANNAPOLIS, *June 12, 1814.*

SIR: Yours of this day has been delivered to me. Arms and ammunition left this place this morning for Nottingham. I presume they will arrive by 12 o'clock to-morrow, if not sooner.

GENERAL WINDER.

Major BISCOE.

Extract of Governor Winder's letter to Colonel Terry, of Calvert county, Maryland.

ANNAPOLIS, *June 8, 1814.*

SIR: This afternoon I received yours of the 5th instant, and I have just now received yours of this day informing me of the intention of Commodore Barney. You will make every exertion to give him all the aid in your power in the flotilla. At such a time, and on such

an occasion, it is presumed no man of reflection would hesitate in contributing, to the utmost of his power, to preserve these vessels from the annoyance of the enemy. It is not now to be inquired into whether they have taken the best possible position, but where they can be best defended. I will send you down the articles you have required, and, in addition, will send some ammunition and flints. I have written to Captain Franklin and Captain Simmons to afford you all the assistance in their power, should you want it. I have written to General Wirt to give you such aid as may be in his power, should you call for any, which letter I have herewith forwarded to you, and, should you find it necessary, you will immediately forward to him. I will expect to hear from you as often as you may think necessary, and any aid in my power I will most readily afford; but I presume the general government will have taken the necessary steps for the protection of the flotilla.

GENERAL WINDER.

Colonel TERRY.

James Monroe, President of the United States of America, to William Minor, Thomas Vowell, George Wise, and Christopher Neale, greeting :

Know ye, That reposing special trust and confidence in your integrity, ability, dilligence and discretion, I have appointed you jointly and severally, and every one of you, justices of the peace in the county of Alexandria, in the District of Columbia, and to keep and cause to be kept all laws for the good of the peace and for the preservation of the same, and for the quiet rule and government of the people made in all and singular, their articles in the said county, according to the force, form and effect of the same, and further to do and perform every act and thing within the said county which by law you may do and perform as justices of the peace, with all the powers, privileges and emoluments to the same office of justice of the peace of right appertaining, until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.
[L. s.] Given under my hand at the city of Washington, the fourth day of October, A. D. 1819, and of the independence of the United States the forty-fourth.

[The President's name taken off for the autograph. This commission is, no doubt, of record in the State Department; they were for five years.

CHRISTOPHER NEALE.]

ALEXANDRIA COUNTY, *scd.*

Personally appeared before me, the undersigned justice of the peace for said county, Christopher Neale, named in the within commission, and made oath according to law, well and faithfully to do, perform,

and execute the several duties therein enjoined as a justice of peace for said county, according to the best of his knowledge and judgment. Given under my hand this 4th day of October, 1819.

A. FAW.

ALEXANDRIA COUNTY, *scd.*

Thomas Vowel, esq., personally appeared before the subscriber, a justice of the peace for the county aforesaid, and took the oath prescribed by law to discharge faithfully and diligently the several duties as a justice of the peace for the town and county aforesaid. Given under my hand this 6th October, 1819.

CHRISTOPHER NEALE.

Statement of James Baden.

That General George W. Biscoe was commanding the Maryland militia on the 17th of June, 1814, (then Major Biscoe;) ordered the militia companies to roll the tobacco out of the warehouse in Nottingham, and made barricades and fortifications of the hogsheds of tobacco which were stored in said warehouse, and ordered also the cannon to be planted behind it; that the militia then fired on the British, who manned eleven barges, commanded by Commodore Barrie, who at that time retreated; that the British took the hogsheds of tobacco out of the warehouse, and that which had been used as a fortification, and destroyed and carried it away; that the British kept possession of the waters of the Patuxent river as high as Nottingham until they destroyed the Capitol; that Captain Naylor's company of Maryland militia were stationed behind Magruder's warehouse, which was taken possession of by the militia as a military post by the order of the commanding officer, Major Biscoe, and as soon as the barges came within gunshot the militia commenced firing upon the enemy, and continued to do so until the ammunition was expended; that they retreated, and the British forces landed immediately and took possession of the warehouse, which had been used by the militia as a work of defence and protection, and burnt the warehouse and all the tobacco within it, numbering several hundred hogsheds of tobacco, belonging to inhabitants of the neighborhood and merchants abroad, who had purchased tobacco on speculation; that the conflagration of this warehouse at Magruder's took place on the 17th of June, 1814; that witness was inspector at Magruder's warehouse, but commanded a company at Nottingham; that witness was appointed inspector in the spring of 1813 at Magruder's warehouse, and that previous to his appointment James Naylor was the inspector; that he believes that the burning of the warehouse was in consequence of its being occupied by the militia as a post of military defence or depot, and that the burning and carrying away the tobacco at Nottingham was done in consequence of using the hogsheds of tobacco as a fortification and protection for our troops, and thus giving to the tobacco a hostile char-

acter; that he was inspector at the time of the destruction of the warehouse at Magruder's, and has been inspector of tobacco at Nottingham and Magruder's warehouses for eighteen years, and on no occasion did he ever deliver tobacco for shipment where notes had been given to the person whose tobacco had been inspected without the redelivery of the notes, as he made himself responsible for every hogshead of tobacco as soon as he gives his note for the inspection. The books of the inspector were destroyed at the time of the burning of the warehouses.

Personally appeared before me, a justice of the peace in and for Prince George's county, and State of Maryland, James Baden, of said county and State, and makes oath on the Holy Evangely of Almighty God that the subjoined statement is true and correct to the best of his knowledge and belief.

Sworn before

THOMAS M. D. BADEN, *J. P.*

FEBRUARY 15, 1850.

MARYLAND, *Prince George's county, sct.*

I hereby certify that Thomas M. D. Baden, gentleman, before whom the above affidavit appears to have been taken, was on the day of the date thereof, and still is, one of the State's justices of the peace in and for said county duly commissioned and sworn.

In testimony whereof, I have subscribed my name and affixed the seal of Prince George's county this 25th day of February, 1850.

JOHN B. BROOKE,

Clerk of Prince George's County Court.

REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
JANUARY 1, 1899.

ALBANY:
JANUARY 1, 1901.

THE COMMISSIONER OF THE LAND OFFICE
HONORABLE SENATOR J. B. ALLEN

ALBANY, N. Y.
JANUARY 1, 1901.

THE COMMISSIONER OF THE LAND OFFICE
HONORABLE SENATOR J. B. ALLEN

ALBANY, N. Y.
JANUARY 1, 1901.